

# DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION



GREG GIANFORTE, GOVERNOR

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## STATE OF MONTANA

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### DECISION MEMO

#### CATEGORICAL EXCLUSION

Buffalo Rapids Irrigation Project – District 2 Lateral 1.6 Pipeline Conversion

January 17, 2022

Buffalo Rapids Irrigation Project – District 2

46.794988 N Lat, -105.337757 W Long

Dawson and Prairie County

#### PURPOSE AND NEED

The Buffalo Rapids Irrigation Project (BRIP) was constructed between 1937 and 1950, designed to divert water from the Yellowstone River for Irrigation. Within the Project there are two Districts. District 2 includes the southern 1/3 of the area and is made up of units on the south side of the Yellowstone River beginning 17 miles east of Miles city and reaching east to Fallon. District 2 has a total of 10,586 acres.

The BRIP District 2 delivery system consists of five pumping locations along the Yellowstone River that are used to transport irrigation water. Other existing irrigation water delivery systems are gravity canals, laterals, and drains. The District has converted several open channel laterals to pipeline distributions to contend with the inefficiencies and ineffectiveness that is associated with open channel laterals. The next priority is the Phase 2 conversion of 5,000 lineal feet of Lateral 1.6 which irrigates 530 acres. Inspection of the system found the lateral in worse shape than described in the 1998 NRCS report. With vegetative overgrowth, seepage loss, conveyance losses, saline seep areas, and poor water management cause the system to lose up to 1.28 cfs (124 million gallons annually).

The project will specifically be the second phase of Lateral 1.6 which starts in Section 19, Township 12N, Range 51E, and ends in Section 16, Township 12N, Range 51E. Attached is a Location and Site Maps of the Area.

The project is scheduled to finish design by the first quarter of 2022 with construction of the conversion to pipeline starting late in the 1<sup>st</sup> quarter and continue through the 2<sup>nd</sup>. Project closeout is anticipated by the end of the 2<sup>nd</sup> quarter of 2022.

#### Explanation of the decision(s) that must be made regarding the proposed action (i.e. approve grant or loan and provide funding):

DNRC will approve the grant to provide funding for the Buffalo Rapids Irrigation Project – District 2 for Lateral 1.6 Conversion to Pipeline, Phase 2.

DNRC is not required to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) for actions that qualify for a CATEGORICAL EXCLUSION (ARM 36.17.614) or justified by a PROGRAMMATIC REVIEW; or are ACTIONS OF A SPECIAL NATURE (ARM 36.2.523(5)); or are EMERGENCIES (ARM 36.2.539). These actions are subject to review for EXTRAORDINARY CIRCUMSTANCES that would require an EA or an EIS.

### **ACTIONS OF SPECIAL NATURE (ARM 36.2.523)**

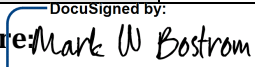
- ☐ Administrative actions: routine, clerical or similar functions of a department, including but not limited to administrative procurement, contracts for consulting services, and personnel actions.
- ☐ Minor repairs, operations, or maintenance of existing equipment or facilities.
- ☐ Investigation and enforcement: data collection, inspection of facilities or enforcement of environmental standards.
- ☐ Ministerial actions: actions in which the agency exercises no discretion, but rather acts upon a given state of facts in a prescribed manner.
- ☐ Actions that are primarily social or economic in nature and that do not otherwise affect the human environment.

### **CATEGORICAL EXCLUSION/PROGRAMMATIC REVIEW**

- ☒ Categorical Exclusion (CE) refers to a type of action which does not individually, collectively, or cumulatively require an EA or EIS, as determined by rulemaking or programmatic review adopted by the agency, unless extraordinary circumstances, as defined by rulemaking or programmatic review, occur. This project qualifies under ARM 36.17.614 CATEGORICAL EXCLUSIONS.
- ☐ Programmatic review means an analysis (EIS or EA) of the impacts on the quality of the human environment of related actions, programs, or policies. DNRC – CARDD does not have any programmatic reviews completed at the time of this template.

The project listed above meets the definition of Actions of a Special Nature, Categorical Exclusion or Programmatic Review including specified conditions and Extraordinary Circumstances. Included below is a supplemental checklist verifying the use of the Categorical Exclusion.

<b>Prepared By:</b>	<b>Name:</b> David Larson, PE <b>Title:</b> RRGL Engineer <b>Email:</b> dclarson@mt.gov <b>Date:</b> 1/18/2022
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<b>Approved By:</b>	<b>Name:</b> Mark Bostrom <b>Title:</b> CARD Division Administrator
<b>Signature:</b>	<b>Date:</b> 1/21/2022   12:58:58 PM MST 

DocuSigned by:

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## **DNRC CARDD DOCUMENTATION OF CATEGORICAL EXCLUSION DETERMINATION CHECKLIST**

**Project Name:** Buffalo Rapids Irrigation Project – District 2 Lateral 1.6 Pipeline Conversion

**Brief Description:** Conversion of lateral canal to a pipeline

**Agreement Number:** RRG-22-1829A

**Date:** 1/21/2022

**Preparer:** Demi Blythe – MEPA/NEPA Coordinator

The Department of Natural Resources and Conservation action under 36.17.614, is excluded from the requirement to prepare an environmental assessment (EA) or environmental impact statement (EIS) if the application for department review is for any of the following projects:

**(a) Projects relating to existing infrastructure systems such as sewer and septic systems, drinking water supply systems, and stormwater systems, including combined sewer overflow systems, dams, culverts, headgates, canal lining, siphons, pipelines, pump sites, lift stations, irrigation infrastructure, that involve:**

*[Answer yes or no. If all answers “no”, an EA or EIS must be completed. If any answer is yes, skip to (b).]*

1. Yes - Minor upgrading; or
2. No - Minor expansion of system capacity; or
3. Yes - Rehabilitation (including functional replacement) of the existing system and system components; or
4. Yes - Construction of new minor ancillary facilities adjacent to or on the same property as existing facilities; or
5. No - Projects in unsewered communities involving the replacement of existing on- site systems, provided that the new on-site systems do not result in substantial increases in the volume of discharges or in loadings of pollutants from existing sources, and do not relocate existing discharges; or
6. No - Use of sampling and monitoring wells to test for the presence of contaminants such as, but not limited to, metals and petroleum; or
7. No - Activities that do not involve or lead directly to construction, such as planning studies, scientific research and analysis, surveys, or engineering.

**(b) A categorical exclusion may NOT be granted for a department action if:**

*[Answer yes or no. If all answers "no", skip to (c). If any answer is yes, an EA or EIS must be completed.]*

1. No - The action would authorize facilities that will provide a new discharge or relocate an existing discharge to ground or surface waters;
2. No - The action would result in an increase above permit levels established for the facility under the Montana pollutant discharge elimination system or Montana ground water pollution control system for either volume of discharge or loading rate of pollutants to receiving waters;
3. No - The action would authorize facilities that will provide capacity to serve a population at least 30% greater than the existing population;
4. No - The action is not supported by the state, or other regional growth plan or strategy;
5. No - The action directly or indirectly involves or relates to upgrading or extending infrastructure systems primarily for the purposes of future development;
6. No - The department has received information indicating that public controversy exists over the project's potential effects on the quality of the human environment;
7. No - The department determines that the proposed project that is the subject of the state action shows some potential for causing a significant effect on the quality of the human environment, based on ARM 36.2.524, or might possibly affect:
  - (i) sensitive environmental or cultural resource areas; or
  - (ii) endangered or threatened species and their critical habitats.

**(c) If the proposed project meets the conditions above in determining use of a CATEX, the**

**reviewer will then complete items below as follows:**

*[Once all steps are complete, reviewer shall sign and date at bottom. If revocation becomes necessary, reviewer shall initiate an EA or EIS as appropriate.]*

1. Yes - Project meets the above Categorical Exclusion criteria.
2. Yes - DNRC determination of Categorical Exclusion.
3. Yes - DNRC distributes the Notice of Determination.
4. Yes - Notice of Publication and cover letter (containing revocation language below) is delivered to recipient.

5. No - Notice of Publication published in local newspaper by recipient and evidence of publication provided to reviewer.

**(d) The department may revoke a categorical exclusion if:**

*[Only complete the steps below if revocation of a previously implemented CATEX becomes necessary.]*

1. Choose an item. - The project is not initiated within the time period specified in the facility plan, or a new or modified application is submitted;
2. Choose an item. - The proposed action no longer meets the requirements for a categorical exclusion because of changes in the proposed action;
3. Choose an item. - New evidence demonstrates that serious local or environmental issues exist; or
4. Choose an item. - State, local, tribal, or federal laws may be violated.

Demi Blythe

**DNRC CARD Division STATE PREPARER**

Mark Bostrom - Administrator

**DNRC CARD Division STATE REVIEWER**

DocuSigned by:  
*Mark W Bostrom*

1/21/2022 | 12:58:58 PM MST

1/21/2022

**COMPLETION DATE**

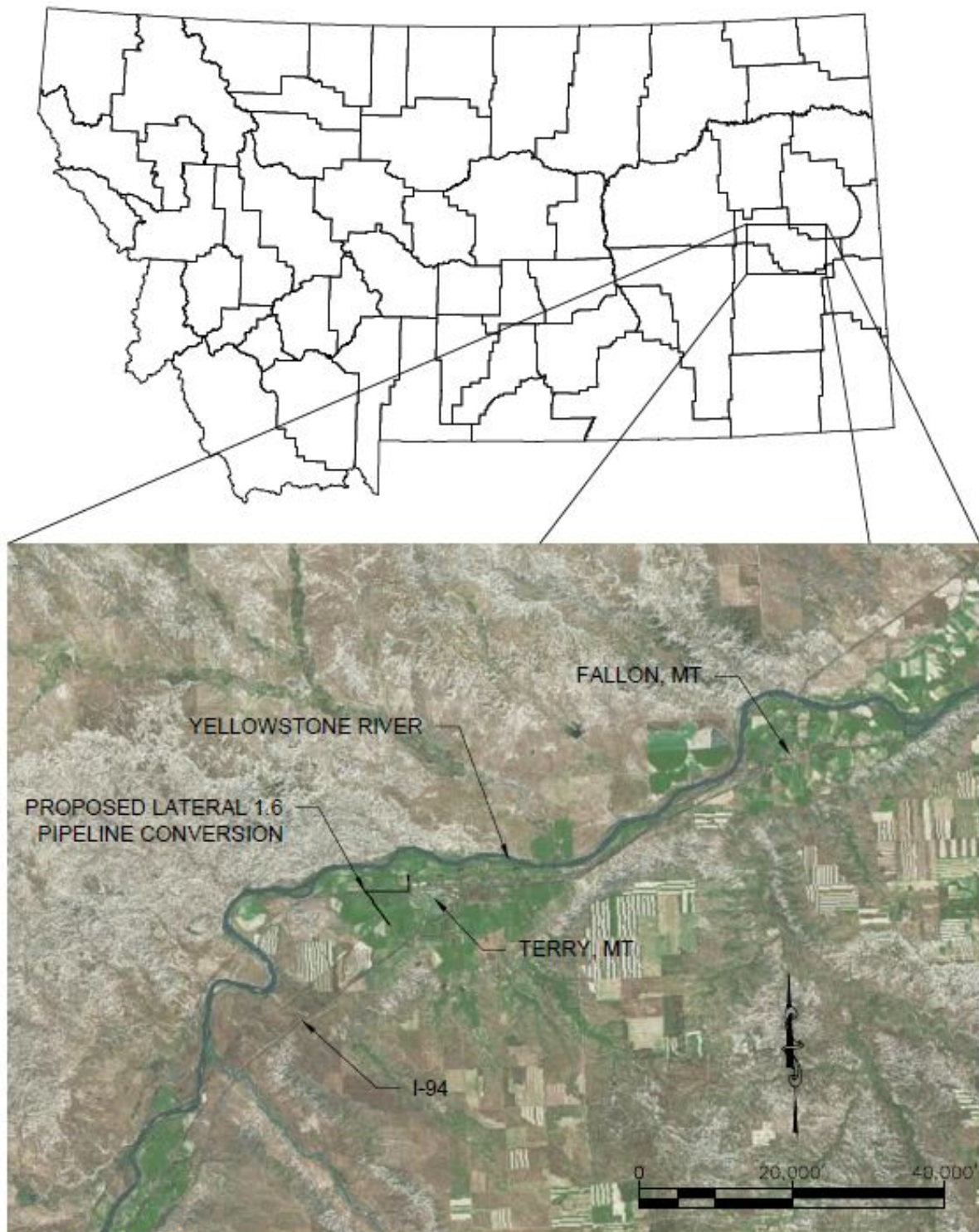


Figure 1 : General Location Map





REVISIONS				
NO.	DESCRIPTION	DATE	BY	CHECKED BY
1				
2				
3				
4				
5				
6				

EXHIBIT



PERFORMANCE

ENGINEERING

608 NORTH 29TH STREET

BILLINGS, MT 59101

(406) 384-0080

performance-ec.com

PRELIMINARY  
NOT FOR  
CONSTRUCTION

KMS  
DESIGNED BY

APN  
DRAWN BY

MAR-20  
DATE

QUALITY ASSURANCE

CHECK BY  
CHECKED BY

CHECK DATE  
DATE

BRIP LATERAL 1.6 - PHASE II

TERRY, MT

PROPOSED LATERAL 1.6  
PREFERRED ALTERNATIVE ROUTE

PROJECT NUMBER  
2020-027

SHEET NUMBER  
1 OF 2

DRAWING NUMBER  
EX-1

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